IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO. 3246 OF 2002
IN
TESTAMENTARY SUIT NO. 86 OF 2002
IN
PETITION NO. 83 OF 2000

Shri Venkatesan Laxman ....Petitoner/.Plffs.
vs.
Mrs. P.K. Ranganayak
.....Caveator/Defnds

V. Laxman, petitioner in person present.
R. Wagh I/B. L. Jain for caveater.

CORAM: S.U. KAMDAR, J.

DATE : 10TH JUNE, 2005.

P.C. :

1. The present notice of motion is taken out for appointment of the Court Receiver inrespect of the various assets of the deceased as well as the injunction in terms of prayer clause (a).

2. The petitioner is claiming that he is the heir of his deceased brother and he has filed the

present petition of probate. The caveator is the wife of the deceased and has inter-alia contended that the will put forward by the petitioner is frivolous. In view thereof the caveators have taken out the present notice of motion for protecting the estate of the deceased. I am of the opinion that the order in terms of prayer clause (c) would sufficiently protect the estate of the deceased in as much as by the said order I am granting the injunction from restraining the petitioner in any manner disposing off the said property. Prayer clause (c) is accordingly granted excluding the bracketed words ‘dealing with’. Learned counsel for the caveators further contends that the court must appoint court receiver and mere injunction is not sufficient. I am of the opinion that the property and estate is fully protected by virtu of the grant of injuction by prayer clause (c). In my opinion no case is made out for appointment of court receiver. Accordingly prayer for appointment of court receiver is rejected. Motion is disposed of accordingly.

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sd/-

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